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Attorneys for Defendants
FRONTIER AIRLINES, INC., REPUBLIC AIRWAYS
HOLDINGS, INC. AND ROGER SORENSEN

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

KHAN MICHAEL ORDONEZ,

Plaintiff,

v.

FRONTIER AIRLINES, REPUBLIC
AIRWAYS HOLDINGS, ROGER
SORENSEN,

Defendants.

CASE NO. C 13-00940 MEJ

**DEFENDANTS FRONTIER AIRLINES, INC.,
REPUBLIC AIRWAYS HOLDINGS, INC.
AND ROGER SORENSEN'S NOTICE OF
MOTION AND MOTION TO DISMISS
PLAINTIFF KHAN MICHAEL ORDONEZ'S
COMPLAINT AGAINST ROGER
SORENSEN AS A SHAM JOINDER**

[Fed. R. Civ. P. 12(b)(6)]

Date:	April 11, 2013
Time:	10:00 a.m.
Courtroom:	B
Judge:	Hon. Maria-Elena James
Removal Filed:	March 1, 2013
Trial Date:	Not set

TO PLAINTIFF AND TO HIS COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on April 11, 2013, 10:00 a.m., or as soon thereafter as the matter may be heard, in courtroom of the Honorable Maria-Elena James, United States Magistrate Judge, Courtroom B, located at 450 Golden Gate Avenue, San Francisco, California. Defendants Frontier Airlines, Inc. ("Frontier"), Republic Airways Holdings, Inc. ("Republic") and Roger Sorensen ("Sorensen") (collectively "Defendants") will move this Court to dismiss the action against Sorensen in its entirety pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure,

1 on the grounds that Plaintiff Khan Michael Ordonez (“Plaintiff”) has failed to state a claim for
2 which relief can be granted. Specifically:

3 Plaintiff’s first and sixth claims for relief against individual defendant Sorensen for
4 retaliation and harassment under the California Family Rights Act (CFRA) fail as a matter of law
5 because these claims cannot be brought against an individual who is not Plaintiff’s employer.
6 Plaintiff’s joinder of Sorensen as a named defendant in the Complaint is a sham joinder.

7 This motion is based on this Notice of Motion and Motion; the Memorandum of Points
8 and Authorities filed concurrently herewith; and all of the pleadings and papers on file in this
9 action, and on any other matter that may be presented to the Court at the time of the hearing.

10 Dated: March 6, 2013

PAUL, PLEVIN, SULLIVAN &
CONNAUGHTON LLP

11 By: /s/ Martina M. Nagle
12 MICHAEL C. SULLIVAN
13 MARTINA M. NAGLE
14 Attorneys for Defendants
15 FRONTIER AIRLINES, INC., REPUBLIC
16 AIRWAYS HOLDINGS, INC. AND
17 ROGER SORENSEN
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